

32.1 **ARTICLE 4**

32.2 **ACCESS TO COURTS; DISTRIBUTION OF FEES; DEADLINES**

32.3 Section 1. Minnesota Statutes 2020, section 2.722, subdivision 1, is amended to read:

32.4 Subdivision 1. **Description.** Effective July 1, 1959, the state is divided into ten judicial

32.5 districts composed of the following named counties, respectively, in each of which districts

32.6 judges shall be chosen as hereinafter specified:

32.7 1. Goodhue, Dakota, Carver, Le Sueur, McLeod, Scott, and Sibley; 36 judges; and four

32.8 permanent chambers shall be maintained in Red Wing, Hastings, Shakopee, and Glencoe

32.9 and one other shall be maintained at the place designated by the chief judge of the district;

32.10 2. Ramsey; 26 judges;

32.11 3. Wabasha, Winona, Houston, Rice, Olmsted, Dodge, Steele, Waseca, Freeborn, Mower,

32.12 and Fillmore; 23 judges; and permanent chambers shall be maintained in Faribault, Albert

32.13 Lea, Austin, Rochester, and Winona;

32.14 4. Hennepin; 60 judges;

32.15 5. Blue Earth, Watonwan, Lyon, Redwood, Brown, Nicollet, Lincoln, Cottonwood,

32.16 Murray, Nobles, Pipestone, Rock, Faribault, Martin, and Jackson; ~~46~~ 17 judges; and

32.17 permanent chambers shall be maintained in Marshall, Windom, Fairmont, New Ulm, and

32.18 Mankato;

32.19 6. Carlton, St. Louis, Lake, and Cook; 15 judges;

32.20 7. Benton, Douglas, Mille Lacs, Morrison, Otter Tail, Stearns, Todd, Clay, Becker, and

32.21 Wadena; 30 judges; and permanent chambers shall be maintained in Moorhead, Fergus

32.22 Falls, Little Falls, and St. Cloud;

32.23 8. Chippewa, Kandiyohi, Lac qui Parle, Meeker, Renville, Swift, Yellow Medicine, Big

32.24 Stone, Grant, Pope, Stevens, Traverse, and Wilkin; 11 judges; and permanent chambers

32.25 shall be maintained in Morris, Montevideo, and Willmar;

32.26 9. Norman, Polk, Marshall, Kittson, Red Lake, Roseau, Mahnomen, Pennington, Aitkin,

32.27 Itasca, Crow Wing, Hubbard, Beltrami, Lake of the Woods, Clearwater, Cass and

32.28 Koochiching; 24 judges; and permanent chambers shall be maintained in Crookston, Thief

32.29 River Falls, Bemidji, Brainerd, Grand Rapids, and International Falls; and

32.30 10. Anoka, Isanti, Wright, Sherburne, Kanabec, Pine, Chisago, and Washington; 45

32.31 judges; and permanent chambers shall be maintained in Anoka, Stillwater, and other places

32.32 designated by the chief judge of the district.

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44.32 designated by the chief judge of the district.

SECTION 260C.163 IS AMENDED IN THE HEALTH AND HUMAN SERVICES
OMNIBUS BILL S2360-2, ARTICLE 11, SECTION 18

33.1 Sec. 2. Minnesota Statutes 2020, section 260C.163, subdivision 3, is amended to read:

33.2 Subd. 3. **Appointment of counsel.** (a) The child, parent, guardian or custodian has the
33.3 right to effective assistance of counsel in connection with a proceeding in juvenile court as
33.4 provided in this subdivision.

33.5 (b) Except in proceedings where the sole basis for the petition is habitual truancy, if the
33.6 child desires counsel but is unable to employ it, the court shall appoint counsel to represent
33.7 the child who is ten years of age or older under section 611.14, clause (4), or other counsel
33.8 at public expense.

33.9 ~~(c) Except in proceedings where the sole basis for the petition is habitual truancy, if the~~
33.10 ~~parent, guardian, or custodian desires counsel but is unable to employ it, the court shall~~
33.11 ~~appoint counsel to represent the parent, guardian, or custodian in any case in which it feels~~
33.12 ~~that such an appointment is appropriate if the person would be financially unable to obtain~~
33.13 ~~counsel under the guidelines set forth in section 611.17. In all juvenile protection proceedings~~
33.14 ~~where a child risks removal from the care of the child's parent, guardian, or custodian,~~
33.15 ~~including a child in need of protection or services petition, an action pursuing removal of~~
33.16 ~~a child from the child's home, a termination of parental rights petition, or a petition for any~~
33.17 ~~other permanency disposition under section 260C.515, if the parent, guardian, or custodian~~
33.18 ~~desires counsel and is eligible for counsel under section 611.17, the court shall appoint~~
33.19 ~~counsel to represent each parent, guardian, or custodian at the first hearing on the petition~~
33.20 ~~and at all stages of the proceedings. Court appointed counsel shall be at county expense as~~
33.21 ~~outlined in paragraph (h).~~

33.22 (d) In any proceeding where the subject of a petition for a child in need of protection or
33.23 services is ten years of age or older, the responsible social services agency shall, within 14
33.24 days after filing the petition or at the emergency removal hearing under section 260C.178,
33.25 subdivision 1, if the child is present, fully and effectively inform the child of the child's
33.26 right to be represented by appointed counsel upon request and shall notify the court as to
33.27 whether the child desired counsel. Information provided to the child shall include, at a
33.28 minimum, the fact that counsel will be provided without charge to the child, that the child's
33.29 communications with counsel are confidential, and that the child has the right to participate
33.30 in all proceedings on a petition, including the opportunity to personally attend all hearings.
33.31 The responsible social services agency shall also, within 14 days of the child's tenth birthday,
33.32 fully and effectively inform the child of the child's right to be represented by counsel if the
33.33 child reaches the age of ten years while the child is the subject of a petition for a child in
33.34 need of protection or services or is a child under the guardianship of the commissioner.

34.1 (e) In any proceeding where the sole basis for the petition is habitual truancy, the child,
34.2 parent, guardian, and custodian do not have the right to appointment of a public defender
34.3 or other counsel at public expense. However, before any out-of-home placement, including
34.4 foster care or inpatient treatment, can be ordered, the court must appoint a public defender
34.5 or other counsel at public expense in accordance with this subdivision.

34.6 (f) Counsel for the child shall not also act as the child's guardian ad litem.

34.7 (g) In any proceeding where the subject of a petition for a child in need of protection or
34.8 services is not represented by an attorney, the court shall determine the child's preferences
34.9 regarding the proceedings, including informing the child of the right to appointed counsel
34.10 and asking whether the child desires counsel, if the child is of suitable age to express a
34.11 preference.

34.12 (h) Court-appointed counsel for the parent, guardian, or custodian under this subdivision
34.13 is at county expense. If the county has contracted with counsel ~~meeting qualifications under~~
34.14 ~~paragraph (i), the court shall appoint the counsel retained by the county, unless a conflict~~
34.15 ~~of interest exists. If a conflict exists, after consulting with the chief judge of the judicial~~
34.16 ~~district or the judge's designee, the county shall contract with competent counsel to provide~~
34.17 ~~the necessary representation. The court may appoint only one counsel at public expense for~~
34.18 ~~the first court hearing to represent the interests of the parents, guardians, and custodians,~~
34.19 ~~unless, at any time during the proceedings upon petition of a party, the court determines~~
34.20 ~~and makes written findings on the record that extraordinary circumstances exist that require~~
34.21 ~~counsel to be appointed to represent a separate interest of other parents, guardians, or~~
34.22 ~~custodians subject to the jurisdiction of the juvenile court.~~

34.23 (i) ~~Counsel retained by the county under paragraph (h) must meet the qualifications~~
34.24 ~~established by the Judicial Council in at least one of the following: (1) has a minimum of~~
34.25 ~~two years' experience handling child protection cases; (2) has training in handling child~~
34.26 ~~protection cases from a course or courses approved by the Judicial Council; or (3) is~~
34.27 ~~supervised by an attorney who meets the minimum qualifications under clause (1) or (2).~~

34.28 **EFFECTIVE DATE.** This section is effective July 1, 2022, except the amendment
34.29 striking paragraph (i) is effective the day following final enactment.

34.30 Sec. 3. Minnesota Statutes 2020, section 357.021, subdivision 1a, is amended to read:

34.31 Subd. 1a. **Transmittal of fees to commissioner of management and budget.** (a) Every
34.32 person, including the state of Minnesota and all bodies politic and corporate, who shall
34.33 transact any business in the district court, shall pay to the court administrator of said court
35.1 the sundry fees prescribed in subdivision 2. Except as provided in paragraph (d), the court
35.2 administrator shall transmit the fees monthly to the commissioner of management and budget
35.3 for deposit in the state treasury and credit to the general fund. \$30 of each fee collected in
35.4 a dissolution action under subdivision 2, clause (1), must be deposited by the commissioner
35.5 of management and budget in the special revenue fund and is appropriated to the
35.6 commissioner of employment and economic development for the Minnesota Family
35.7 Resiliency Partnership under section 116L.96.

35.8 (b) In a county which has a screener-collector position, fees paid by a county pursuant
35.9 to this subdivision shall be transmitted monthly to the county treasurer, who shall apply the
35.10 fees first to reimburse the county for the amount of the salary paid for the screener-collector
35.11 position. The balance of the fees collected shall then be forwarded to the commissioner of

35.12 management and budget for deposit in the state treasury and credited to the general fund.
35.13 In a county in a judicial district under section 480.181, subdivision 1, paragraph (b), which
35.14 has a screener-collector position, the fees paid by a county shall be transmitted monthly to
35.15 the commissioner of management and budget for deposit in the state treasury and credited
35.16 to the general fund. A screener-collector position for purposes of this paragraph is an
35.17 employee whose function is to increase the collection of fines and to review the incomes
35.18 of potential clients of the public defender, in order to verify eligibility for that service.

35.19 (c) No fee is required under this section from the public authority or the party the public
35.20 authority represents in an action for:

35.21 (1) child support enforcement or modification, medical assistance enforcement, or
35.22 establishment of parentage in the district court, or in a proceeding under section 484.702;

35.23 (2) civil commitment under chapter 253B;

35.24 (3) the appointment of a public conservator or public guardian or any other action under
35.25 chapters 252A and 525;

35.26 (4) wrongfully obtaining public assistance under section 256.98 or 256D.07, or recovery
35.27 of overpayments of public assistance;

35.28 (5) court relief under chapters 260, 260A, 260B, and 260C;

35.29 (6) forfeiture of property under sections 169A.63 and 609.531 to 609.5317;

35.30 (7) recovery of amounts issued by political subdivisions or public institutions under
35.31 sections 246.52, 252.27, 256.045, 256.25, 256.87, 256B.042, 256B.14, 256B.15, 256B.37,
35.32 260B.331, and 260C.331, or other sections referring to other forms of public assistance;

35.33 (8) restitution under section 611A.04; or

36.1 (9) actions seeking monetary relief in favor of the state pursuant to section 16D.14,
36.2 subdivision 5.

36.3 (d) \$20 from each fee collected for child support modifications under subdivision 2,
36.4 clause (13), must be transmitted to the county treasurer for deposit in the county general
36.5 fund and \$35 from each fee shall be credited to the state general fund. The fees must be
36.6 used by the county to pay for child support enforcement efforts by county attorneys.

36.7 (e) No fee is required under this section from any federally recognized Indian Tribe or
36.8 its representative in an action for:

36.9 (1) child support enforcement or modification, medical assistance enforcement, or
36.10 establishment of parentage in the district court or in a proceeding under section 484.702;

36.11 (2) civil commitment under chapter 253B;

36.12 (3) the appointment of a public conservator or public guardian or any other action under
36.13 chapters 252A and 525; or

36.14 (4) court relief under chapters 260, 260A, 260B, 260C, and 260D.

36.15 Sec. 4. Minnesota Statutes 2020, section 477A.03, subdivision 2b, is amended to read:

36.16 Subd. 2b. **Counties.** (a) For aids payable in 2018 and 2019, the total aid payable under
36.17 section 477A.0124, subdivision 3, is \$103,795,000, of which \$3,000,000 shall be allocated
36.18 as required under Laws 2014, chapter 150, article 4, section 6. For aids payable in 2020,
36.19 the total aid payable under section 477A.0124, subdivision 3, is \$116,795,000, of which
36.20 \$3,000,000 shall be allocated as required under Laws 2014, chapter 150, article 4, section
36.21 6. For aids payable in 2021 through 2024, the total aid payable under section 477A.0124,
36.22 subdivision 3, is \$118,795,000, of which \$3,000,000 shall be allocated as required under
36.23 Laws 2014, chapter 150, article 4, section 6. For aids payable in 2025 and thereafter, the
36.24 total aid payable under section 477A.0124, subdivision 3, is \$115,795,000. ~~Each calendar~~
36.25 ~~year. On or before the first installment date provided in section 477A.015, paragraph (a),~~
36.26 ~~\$500,000 of this appropriation shall be retained transferred each year by the commissioner~~
36.27 ~~of revenue to make reimbursements to the commissioner of management and budget the~~
36.28 ~~Board of Public Defense for payments made the payment of service under section 611.27.~~
36.29 ~~The reimbursements shall be to defray the additional costs associated with court-ordered~~
36.30 ~~counsel under section 611.27. Any retained transferred amounts not used for reimbursement~~
36.31 ~~expended or encumbered in a fiscal year shall be certified by the Board of Public Defense~~
36.32 ~~to the commissioner of revenue on or before October 1 and shall be included in the next~~
37.1 ~~distribution certification of county need aid that is certified to the county auditors for the~~
37.2 ~~purpose of property tax reduction for the next taxes payable year.~~

37.3 (b) For aids payable in 2018 and 2019, the total aid under section 477A.0124, subdivision
37.4 4, is \$130,873,444. For aids payable in 2020, the total aid under section 477A.0124,
37.5 subdivision 4, is \$143,873,444. For aids payable in 2021 and thereafter, the total aid under
37.6 section 477A.0124, subdivision 4, is \$145,873,444. The commissioner of revenue shall
37.7 transfer to the commissioner of management and budget \$207,000 annually for the cost of
37.8 preparation of local impact notes as required by section 3.987, and other local government
37.9 activities. The commissioner of revenue shall transfer to the commissioner of education
37.10 \$7,000 annually for the cost of preparation of local impact notes for school districts as
37.11 required by section 3.987. The commissioner of revenue shall deduct the amounts transferred
37.12 under this paragraph from the appropriation under this paragraph. The amounts transferred
37.13 are appropriated to the commissioner of management and budget and the commissioner of
37.14 education respectively.

21.17 Sec. 6. Minnesota Statutes 2020, section 477A.03, subdivision 2b, is amended to read:

21.18 Subd. 2b. **Counties.** (a) For aids payable in 2018 and 2019, the total aid payable under
21.19 section 477A.0124, subdivision 3, is \$103,795,000, of which \$3,000,000 shall be allocated
21.20 as required under Laws 2014, chapter 150, article 4, section 6. For aids payable in 2020,
21.21 the total aid payable under section 477A.0124, subdivision 3, is \$116,795,000, of which
21.22 \$3,000,000 shall be allocated as required under Laws 2014, chapter 150, article 4, section
21.23 6. For aids payable in 2021 through 2024, the total aid payable under section 477A.0124,
21.24 subdivision 3, is \$118,795,000, of which \$3,000,000 shall be allocated as required under
21.25 Laws 2014, chapter 150, article 4, section 6. For aids payable in 2025 and thereafter, the
21.26 total aid payable under section 477A.0124, subdivision 3, is \$115,795,000. ~~Each calendar~~
21.27 ~~year. On or before the first installment date provided in section 477A.015, paragraph (a),~~
21.28 ~~\$500,000 of this appropriation shall be retained transferred each year by the commissioner~~
21.29 ~~of revenue to make reimbursements to the commissioner of management and budget the~~
21.30 ~~Board of Public Defense for payments made the payment of service under section 611.27.~~
21.31 ~~The reimbursements shall be to defray the additional costs associated with court-ordered~~
21.32 ~~counsel under section 611.27. Any retained transferred amounts not used for reimbursement~~
21.33 ~~expended or encumbered in a fiscal year shall be certified by the Board of Public Defense~~
21.34 ~~to the commissioner of revenue on or before October 1 and shall be included in the next~~
22.1 ~~distribution certification of county need aid that is certified to the county auditors for the~~
22.2 ~~purpose of property tax reduction for the next taxes payable year.~~

22.3 (b) For aids payable in 2018 and 2019, the total aid under section 477A.0124, subdivision
22.4 4, is \$130,873,444. For aids payable in 2020, the total aid under section 477A.0124,
22.5 subdivision 4, is \$143,873,444. For aids payable in 2021 and thereafter, the total aid under
22.6 section 477A.0124, subdivision 4, is \$145,873,444. The commissioner of revenue shall
22.7 transfer to the commissioner of management and budget \$207,000 annually for the cost of
22.8 preparation of local impact notes as required by section 3.987, and other local government
22.9 activities. The commissioner of revenue shall transfer to the commissioner of education
22.10 \$7,000 annually for the cost of preparation of local impact notes for school districts as
22.11 required by section 3.987. The commissioner of revenue shall deduct the amounts transferred
22.12 under this paragraph from the appropriation under this paragraph. The amounts transferred
22.13 are appropriated to the commissioner of management and budget and the commissioner of
22.14 education respectively.

37.15 Sec. 5. Minnesota Statutes 2020, section 484.85, is amended to read:

37.16 **484.85 DISPOSITION OF FINES, FEES, AND OTHER MONEY; ACCOUNTS;**
37.17 **RAMSEY COUNTY DISTRICT COURT.**

37.18 (a) In all cases prosecuted in Ramsey County District Court by an attorney for a
37.19 municipality or subdivision of government within Ramsey County for violation of a statute;
37.20 an ordinance; or a charter provision, rule, or regulation of a city; all fines, penalties, and
37.21 forfeitures collected by the court administrator shall be deposited in the state treasury and
37.22 distributed according to this paragraph. Except where a different disposition is provided by
37.23 section 299D.03, subdivision 5, or other law, on or before the last day of each month, the
37.24 court shall pay over all fines, penalties, and forfeitures collected by the court administrator
37.25 during the previous month as follows:

37.26 ~~(1) for offenses committed within the city of St. Paul, two-thirds paid to the treasurer~~
37.27 ~~of the city of St. Paul municipality or subdivision of government within Ramsey County~~
37.28 ~~and one-third credited to the state general fund; and~~

37.29 ~~(2) for offenses committed within any other municipality or subdivision of government~~
37.30 ~~within Ramsey County, one-half paid to the treasurer of the municipality or subdivision of~~
37.31 ~~government and one-half credited to the state general fund.~~

37.32 All other fines, penalties, and forfeitures collected by the district court shall be distributed
37.33 by the courts as provided by law.

38.1 (b) Fines, penalties, and forfeitures shall be distributed as provided in paragraph (a)
38.2 when:

38.3 (1) a city contracts with the county attorney for prosecutorial services under section
38.4 484.87, subdivision 3; or

38.5 (2) the attorney general provides assistance to the city attorney under section 484.87,
38.6 subdivision 5.

38.7 **EFFECTIVE DATE.** This section is effective July 1, 2022.

38.8 Sec. 6. Minnesota Statutes 2020, section 590.01, subdivision 4, is amended to read:

38.9 Subd. 4. **Time limit.** (a) No petition for postconviction relief may be filed more than
38.10 two years after the later of:

38.11 (1) the entry of judgment of conviction or sentence if no direct appeal is filed; or

38.12 (2) an appellate court's disposition of petitioner's direct appeal.

38.13 (b) Notwithstanding paragraph (a), a court may hear a petition for postconviction relief
38.14 if:

38.15 (1) the petitioner establishes that a physical disability or mental disease precluded a
38.16 timely assertion of the claim;

38.17 (2) the petitioner alleges the existence of newly discovered evidence, including scientific
38.18 evidence, that could not have been ascertained by the exercise of due diligence by the
38.19 petitioner or petitioner's attorney within the two-year time period for filing a postconviction
38.20 petition, and the evidence is not cumulative to evidence presented at trial, is not for
38.21 impeachment purposes, and establishes by a clear and convincing standard that the petitioner
38.22 is innocent of the offense or offenses for which the petitioner was convicted;

38.23 (3) the petitioner asserts a new interpretation of federal or state constitutional or statutory
38.24 law by either the United States Supreme Court or a Minnesota appellate court and the
38.25 petitioner establishes that this interpretation is retroactively applicable to the petitioner's
38.26 case;

38.27 (4) the petition is brought pursuant to subdivision 3; ~~or~~

38.28 (5) the petitioner establishes to the satisfaction of the court that the petition is not frivolous
38.29 and is in the interests of justice; or

38.30 (6) the petitioner is either placed into immigration removal proceedings, or detained for
38.31 the purpose of removal from the United States, or received notice to report for removal, as
39.1 a result of a conviction that was obtained by relying on incorrect advice or absent advice
39.2 from counsel on immigration consequences.

39.3 (c) Any petition invoking an exception provided in paragraph (b) must be filed within
39.4 two years of the date the claim arises.

39.5 Sec. 7. Minnesota Statutes 2020, section 611.21, is amended to read:

39.6 **611.21 SERVICES OTHER THAN COUNSEL.**

39.7 (a) Counsel appointed by the court for an indigent defendant, or representing a defendant
39.8 who, at the outset of the prosecution, has an annual income not greater than 125 percent of
39.9 the poverty line established under United States Code, title 42, section 9902(2), may file
39.10 an ex parte application requesting investigative, expert, interpreter, or other services necessary
39.11 to an adequate defense in the case. Upon finding, after appropriate inquiry in an ex parte
39.12 proceeding, that the services are necessary and that the defendant is financially unable to
39.13 obtain them, the court shall authorize counsel to obtain the services on behalf of the
39.14 defendant. The court may establish a limit on the amount which may be expended or promised
39.15 for such services. The court may, in the interests of justice, and upon a finding that timely
39.16 procurement of necessary services could not await prior authorization, ratify such services
39.17 after they have been obtained, but such ratification shall be given only in unusual situations.
39.18 The court shall determine reasonable compensation for the services and direct payment by
39.19 the county in which the prosecution originated, to the organization or person who rendered
39.20 them, upon the filing of a claim for compensation supported by an affidavit specifying the
39.21 time expended, services rendered, and expenses incurred on behalf of the defendant, and
39.22 the compensation received in the same case or for the same services from any other source.

39.23 (b) The compensation to be paid to a person for such service rendered to a defendant
39.24 under this section, or to be paid to an organization for such services rendered by an employee,
39.25 may not exceed \$1,000, exclusive of reimbursement for expenses reasonably incurred,
39.26 unless payment in excess of that limit is certified by the court as necessary to provide fair
39.27 compensation for services of an unusual character or duration and the amount of the excess
39.28 payment is approved by the chief judge of the district. The chief judge of the judicial district
39.29 may delegate approval authority to an active district judge.

39.30 (c) If the court denies authorizing counsel to obtain services on behalf of the defendant,
39.31 the court shall make written findings of fact and conclusions of law that state the basis for
39.32 determining that counsel may not obtain services on behalf of the defendant. When the court
39.33 issues an order denying counsel the authority to obtain services, the defendant may appeal
39.34 immediately from that order to the court of appeals and may request an expedited hearing.

40.1 Sec. 8. Minnesota Statutes 2020, section 611.27, subdivision 9, is amended to read:

40.2 Subd. 9. **Request for other appointment of counsel.** The chief district public defender
40.3 ~~with the approval of~~ may request that the state public defender ~~may request that the chief~~
40.4 ~~judge of the district court, or a district court judge designated by the chief judge,~~ authorize
40.5 appointment of counsel other than the district public defender in such cases.

40.6 Sec. 9. Minnesota Statutes 2020, section 611.27, subdivision 10, is amended to read:

40.7 Subd. 10. **Addition of permanent staff.** The chief public defender may not request ~~the~~
40.8 ~~court~~ nor may the ~~court order~~ state public defender approve the addition of permanent staff
40.9 under subdivision 7.

40.10 Sec. 10. Minnesota Statutes 2020, section 611.27, subdivision 11, is amended to read:

40.11 Subd. 11. **Appointment of counsel.** If the ~~court~~ state public defender finds that the
40.12 provision of adequate legal representation, including associated services, is beyond the
40.13 ability of the district public defender to provide, the ~~court shall order~~ state public defender
40.14 may approve counsel to be appointed, with compensation and expenses to be paid under
40.15 the provisions of this subdivision and subdivision 7. Counsel in such cases shall be appointed
40.16 by the chief district public defender. ~~If the court issues an order denying the request, the~~
40.17 ~~court shall make written findings of fact and conclusions of law. Upon denial, the chief~~
40.18 ~~district public defender may immediately appeal the order denying the request to the court~~
40.19 ~~of appeals and may request an expedited hearing.~~

40.20 Sec. 11. Minnesota Statutes 2020, section 611.27, subdivision 13, is amended to read:

40.21 Subd. 13. **Correctional facility inmates.** All billings for services rendered and ordered
40.22 under subdivision 7 shall require the approval of the chief district public defender before
40.23 being forwarded ~~on a monthly basis~~ to the state public defender. In cases where adequate
40.24 representation cannot be provided by the district public defender and where counsel has
40.25 been ~~appointed under a court order~~ approved by the state public defender, the ~~state public~~
40.26 ~~defender~~ Board of Public Defense shall ~~forward to the commissioner of management and~~

22.15 Sec. 7. Minnesota Statutes 2020, section 611.27, subdivision 9, is amended to read:

22.16 Subd. 9. **Request for other appointment of counsel.** The chief district public defender
22.17 ~~with the approval of~~ may request that the state public defender ~~may request that the chief~~
22.18 ~~judge of the district court, or a district court judge designated by the chief judge,~~ authorize
22.19 appointment of counsel other than the district public defender in such cases.

22.20 Sec. 8. Minnesota Statutes 2020, section 611.27, subdivision 10, is amended to read:

22.21 Subd. 10. **Addition of permanent staff.** The chief public defender may not request ~~the~~
22.22 ~~court~~ nor may the ~~court order~~ state public defender approve the addition of permanent staff
22.23 under subdivision 7.

22.24 Sec. 9. Minnesota Statutes 2020, section 611.27, subdivision 11, is amended to read:

22.25 Subd. 11. **Appointment of counsel.** If the ~~court~~ state public defender finds that the
22.26 provision of adequate legal representation, including associated services, is beyond the
22.27 ability of the district public defender to provide, the ~~court shall order~~ state public defender
22.28 may approve counsel to be appointed, with compensation and expenses to be paid under
22.29 the provisions of this subdivision and subdivision 7. Counsel in such cases shall be appointed
22.30 by the chief district public defender. ~~If the court issues an order denying the request, the~~
22.31 ~~court shall make written findings of fact and conclusions of law. Upon denial, the chief~~
23.1 ~~district public defender may immediately appeal the order denying the request to the court~~
23.2 ~~of appeals and may request an expedited hearing.~~

23.3 Sec. 10. Minnesota Statutes 2020, section 611.27, subdivision 13, is amended to read:

23.4 Subd. 13. **Correctional facility inmates.** All billings for services rendered and ordered
23.5 under subdivision 7 shall require the approval of the chief district public defender before
23.6 being forwarded ~~on a monthly basis~~ to the state public defender. In cases where adequate
23.7 representation cannot be provided by the district public defender and where counsel has
23.8 been ~~appointed under a court order~~ approved by the state public defender, the ~~state public~~
23.9 ~~defender~~ Board of Public Defense shall ~~forward to the commissioner of management and~~

40.27 ~~budget pay all billings for services rendered under the court order. The commissioner shall~~
40.28 ~~pay for services~~ from county program aid ~~retained~~ transferred by the commissioner of
40.29 revenue for that purpose under section 477A.03, subdivision 2b, paragraph (a).

40.30 The costs of appointed counsel and associated services in cases arising from new criminal
40.31 charges brought against indigent inmates who are incarcerated in a Minnesota state
40.32 correctional facility are the responsibility of the state Board of Public Defense. In such cases
41.1 the state public defender may follow the procedures outlined in this section for obtaining
41.2 court-ordered counsel.

41.3 Sec. 12. Minnesota Statutes 2020, section 611.27, subdivision 15, is amended to read:

41.4 Subd. 15. **Costs of transcripts.** In appeal cases and postconviction cases where the
41.5 appellate public defender's office does not have sufficient funds to pay for transcripts and
41.6 other necessary expenses because it has spent or committed all of the transcript funds in its
41.7 annual budget, the ~~state public defender may forward to the commissioner of management~~
41.8 ~~and budget all billings for transcripts and other necessary expenses. The commissioner shall~~
41.9 Board of Public Defense may pay for these transcripts and other necessary expenses from
41.10 county program aid retained transferred by the commissioner of revenue for that purpose
41.11 under section 477A.03, subdivision 2b, paragraph (a).

23.10 ~~budget pay all billings for services rendered under the court order. The commissioner shall~~
23.11 ~~pay for services~~ from county program aid ~~retained~~ transferred by the commissioner of
23.12 revenue for that purpose under section 477A.03, subdivision 2b, paragraph (a).

23.13 The costs of appointed counsel and associated services in cases arising from new criminal
23.14 charges brought against indigent inmates who are incarcerated in a Minnesota state
23.15 correctional facility are the responsibility of the state Board of Public Defense. In such cases
23.16 the state public defender may follow the procedures outlined in this section for obtaining
23.17 court-ordered counsel.

23.18 Sec. 11. Minnesota Statutes 2020, section 611.27, subdivision 15, is amended to read:

23.19 Subd. 15. **Costs of transcripts.** In appeal cases and postconviction cases where the
23.20 appellate public defender's office does not have sufficient funds to pay for transcripts and
23.21 other necessary expenses because it has spent or committed all of the transcript funds in its
23.22 annual budget, the ~~state public defender may forward to the commissioner of management~~
23.23 ~~and budget all billings for transcripts and other necessary expenses. The commissioner shall~~
23.24 Board of Public Defense may pay for these transcripts and other necessary expenses from
23.25 county program aid retained transferred by the commissioner of revenue for that purpose
23.26 under section 477A.03, subdivision 2b, paragraph (a).